

**City Council
Atlanta, Georgia**

06-0-0944

**A SUBSTITUTE ORDINANCE
BY ZONING COMMITTEE**

Z-06-56

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATLANTA AND THE MAPS ESTABLISHED IN CONNECTION WITH THE PROPERTY LOCATED AT 695 NORTH AVENUE AND TO WAIVE THE PROVISIONS OF SECTION 16-27.002(3) OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, ENTITLED "AMENDMENTS," SOLELY FOR THE PURPOSES OF THIS ORDINANCE; TO WAIVE THE PROVISIONS OF SECTION 16-28.023(2); AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed, so that the following property located at 695 North Avenue be changed from the MRC-3-C (Mixed Residential Commercial - Conditional) District and the I-1 (Light Industrial) District to the PD-MU (Planned Development - Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 18, 14th District, Fulton County, Georgia being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Chapter 19 and Chapter 19B of the Zoning Ordinance of the City of Atlanta, entitled "Planned Development Districts," and "Planned Development--Mixed Use Regulations," respectively, the Director, Bureau of Buildings shall issue a building permit for the development of the above-described property only in compliance with the applicable provisions of these Chapters and with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. In recognition of the efforts to preserve the Excelsior Mill, a building which is to be designated with the Landmark Building or Site overlay, the Transferable Development Rights, presently associated with that portion of the site that are to be so designated, shall remain available to the applicant after the rezoning to PD-MU. For the purposes of this rezoning, the portion of the property which is to be zoned PD-MU/LBS shall not be subject to the restriction set forth in Sec. 16-28.023(2) of the Land Development Code which does not allow for the transfer of development rights in zoning districts where development rights are not measured. The Transferable Development Rights for that portion of the PD-MU property that are designated as a Landmark Building or Site shall be available to the owner and shall be measured as if the property were zoned MRC-3-C.

SECTION 4. That the provisions of Section 16-27.002(3) of the Zoning Ordinance of the City of Atlanta, entitled "Amendments," be waived solely for the purposes of this ordinance.

SECTION 5. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance

CONDITIONS FOR Z-06-56 for 695 North Avenue, N.E.

1. As used herein, Sidewalk-Level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.
2. As used herein, Storefront Treatment shall be a building design that:
 - a. Does not provide storage, digital industry switchboards, power generators and other relay equipment and rooms housing such equipment within a minimum depth of 20 feet of the ground floor street frontage beginning at any building façade along the public sidewalk.
 - b. Does not provide a length of façade without intervening fenestration or entryway exceeding 20 feet unless required by the Bureau of Buildings.
 - c. Provides fenestration for a minimum of 75 percent of the length of a Sidewalk Level facade:
 - i. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk or,
 - ii. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk or
 - iii. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - d. Does not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - e. Includes a minimum Sidewalk Level floor-to-floor height of 15 feet.
3. As used herein, Residential Treatment shall be a building design that:
 - a. Provides doors and vertical windows arranged horizontally at the Sidewalk Level,
 - b. Provides windows for a minimum of 30 percent of the total Sidewalk Level street façade area, with each façade being calculated independently,
 - c. Provides porches or a stoop at each Sidewalk Level entrance
 - d. Does not allow garage doors opening onto the street.
4. Buildings shall have a maximum height of 90 feet.

5. No parking deck height shall extend beyond the height of new adjacent buildings on the same parcel.
6. The Site Plan shall be The Excelsior on North for 695 North Avenue submitted by the applicant on 7/10/06. Development controls, including parking ratios, Open Space requirements, minimum supplemental zones, and minimum setbacks shall be as shown on the Site Plan. The footprint for the New Residential Building shown on the Site Plan is for illustrative Purposes only and may be varied to the extent that it does not conflict with other conditions contained herein. Additionally, built floor area, unit number, lot coverage, and parking ratios shown in the Land Use Intensity Information chart on the Site Plan may be increased or decreased, provided that such change does not conflict with other conditions contained herein.
7. The Applicant agrees to preserve the building on the subject property, formerly known as the Dupre Excelsior Mill, in a manner consistent with the report attached hereto as Exhibit "A" by Ray & Associates, as commissioned by the Atlanta Preservation Center. As shown in Exhibit "B" which includes three AUDC-approved pages, the shaded areas may be demolished without any special permission, in accordance with the rules for demolition of structures in the City of Atlanta. Demolition of any of the remaining portions (areas not shaded) of the building (interior and exterior) indicated on the site plan shall occur only by application and approval of the Planning Department, with administrative approval provided by the Atlanta Urban Design Commission. The Applicant further agrees to be sensitive to the historic fabric of the interior of the buildings and, to the greatest extent possible, will ensure that any refurbishment that obscures the historical character of the building will be constructed in a manner so that the refurbishment may be reversible.

The following general regulations shall apply to the preservation efforts relating to the remaining portions of the Excelsior Mill Building located at 695 North Avenue, NE, Atlanta, GA:

- a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships. (This would not prohibit the division of the interior space into individual residential units.)
- b. The historical character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
- d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive materials, features, finishes and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
- f. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- g. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- h. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Satisfaction of general regulations a-j above shall be confirmed by the Planning Department, and administrative approval of the Atlanta Urban Design Commission staff.

8. The following standards shall be required:

- a. The western parking deck facade shall be completely screened from view at street level with a liner building to surround the deck, except at Sidewalk Level ingress and egress.
- b. The eastern parking deck facade shall not extend above the elevation of the current railroad tracks on the adjacent BeltLine.
- c. The southern parking deck facade shall be subject to the following:
 - i. When located adjacent to a required fire access lane, shall be screened with landscaping, such as trumpet vines, confederate jasmine, or five leaf akebia, or
 - ii. When not located adjacent to a required fire access lane, shall meet the landscaping requirements of (i) above or shall be completely enclosed and treated with materials matching the building façade directly above it.
- d. The Residential Treatment of the proposed new building on the subject property shall be designed substantially in the manner shown on the conceptual building elevation entitled, "North Angier Avenue Elevation," and attached hereto. Other specific design requirements shall include, but not be limited to, the following:
 - i. Sidewalk-level entrances shall be provided for all first level units along North Angier Avenue.
 - ii. The materials on the east façade of the building shall be substantially similar to those on the west facade of the building, with the exception of Sidewalk Level requirements.
- e. Restricted uses:
- f. Dumpsters and/or loading docks shall be screened from any adjacent street or any adjacent park.
- g. The following uses are prohibited: adult businesses, truck stops, automobile service and gasoline stations; car washes; new and used car sales; repair garages; paint and body shops; plumbing and air conditioning service and repair; repair of lawn mowers and other outdoor mechanical equipment; commercial greenhouses; laundry and dry cleaning plants; mortuaries and funeral homes; security storage centers; and digital industry switchboards, power generators and other relay equipment as a primary use.

9. Building façade treatments:

- a. Along North Angier Avenue new buildings shall provide a Sidewalk Level Storefront Treatment or Residential Treatment adjacent to the street.
- b. Buildings with a Sidewalk-Level Residential Treatment shall be permitted to have steps and balconies encroaching over or into the sidewalk clear zone a maximum depth of four feet. After accounting for said steps and balconies, a minimum sidewalk clear zone of six feet shall remain for pedestrian passage.
- c. The following materials are prohibited on the first two stories of street-facing façades: vinyl siding, solid vinyl windows, Exterior Insulation Finish Systems (EIFS), or similar wall finish treatments.
- d. Window frames shall be recessed a minimum of two inches from the exterior façade.
- e. No exterior stairs seen from the street shall be made of wood, and risers shall be enclosed.
- f. Exterior chimneys shall extend to the ground.
- g. Porches and balconies shall be a minimum of four feet in depth and four feet in width.
- h. Exterior columns shall have a minimum width of five and one-half inches.

10. Foundations shall be faced in brick, terracotta, stone, masonry with the appearance of brick, terracotta or stone, poured-in-place rubbed concrete, or hard coat stucco.

11. At least one point of pedestrian access shall be provided from the development to the proposed BeltLine transit greenway and within the zone shown on the Site Plan. Said access shall be installed by the later of: a) within six months of completion of a multi-use trail along the abutting BeltLine, or b) within six months of receipt of a certificate of occupancy.

12. Section 16-28.015 notwithstanding, the project shall not be required to provide more than two off-street loading spaces. Said spaces shall have a minimum dimension of 12 feet by 35 feet and a vertical clearance of 14 feet.

13. Minimum sidewalk requirements shall be as follows:

- a. Along North Avenue, a minimum five foot street furniture and tree planting zone and a minimum ten foot clear zone.
- b. Along North Angier Avenue and adjacent to or north of the Excelsior Mill building, minimum sidewalk widths shall match existing widths.
- c. Along North Angier Avenue and south of the Excelsior Mill building, a minimum five foot street furniture and tree planting zone and a minimum

ten foot clear zone. The clear zone may be reduced to a minimum width of six feet as necessary to provide on-street parallel parking.

- d. Where a street furniture and tree planting zone is required, street trees shall be planted a maximum of fifty feet on-center in said zone.

